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## ABSTRACT

Characterized by rapid growth and the increasing infusion of federal money into schools, the 1960s and 1970s can be labeled the "Federal Era" in U.S. educational policy making. This period produced three major initiatives to enhance the quality of educational opportunity: the Elementary Secondary Education Act (ESEA) Titles I and VII (Compensatory and Bilingual Education) and the Education for All Handicapped Children Act (EHCA). Both the ESEA and EHCA were conventional products of a broad social concern. However, policy initiation did not occur through traditional avenues or agents. The executive and legislative branches of government, rather than educational representatives, designed the bills and pressed for their enactment. In implementation, then, the exclusion of educators began to backfire as administrators and school board organizations decried the burden of onerous federal regulations. The conditions leading to the passage of ESEA and EHCA are unlikely to occur again. Moreover, developing demographic, economic, and political trends portend limited future federal interest in educational policy issues. There is little likelihood of federal resources being allocated to educational programs at the expense of federal initiatives in other areas. The major burden of support for public schools and their improvement will likely rest with state and local governments. (WD)

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# THE EVOLUTION OF FEDERAL EDUCATIONAL POLICY

by

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### Summary

This paper examines likely alternative roles for future federal government support of elementary and secondary education. The thesis of the paper is that the past Federal Era, 1965-1975, was the result of several anomalous coincidences which are unlikely to reoccur and thus offers an unrealistic base from which to extrapolate. A more likely set of predictors is comprised of developing demographic, economic, and political trends which portend a limited federal government interest in education as a future policy issue. A prediction is that the major burden of support for public schools and their improvement will continue to reside with state and local governments. A possible exception may come in federal efforts to enhance privatization, e.g., tuition tax credit, or in unpredictable national or international actions such as facilitated enactment of the 1958 National Defense Education Act.

## THE EVOLUTION OF FEDERAL EDUCATIONAL POLICY\*

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The United States has one of the world's most complicated mechanisms for the formation and implementation of educational policy. This is a consequence both of conscious constitutional design and unplanned historic development. Regardless of the causes, the outcome is a system of schooling riddled with paradox. Education is intended to benefit those who are gifted, badly disabled, and all those in between. The old and the young, the elite as well as the poor, are all encompassed by school programs. This education system is expected at once to ensure social cohesion as well as cultural diversity, academic achievement as well as vocational relevance, moral virtue as well as individual self-enhancement. Schools are to be free of politics yet responsive to their clients; sensitive to national needs, yet subject to the desires of local citizens; and controlled by lay persons while staffed by professionals. All such expectations must be met in a national climate of values which stresses, however incompatible, equality, excellence, and efficiency. More complicated still, education policy is the concomitant responsibility of all three levels of government, federal, state, and local. Given such complexity, the wonder is that American schools function at all.

This paper concentrates on one component of the complex American

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educational policy system, the federal government. The purpose of the paper is to explain the evolution of contemporary federal government educational policy and its implementation, to discuss developing trends which may influence the future of federal education policy, and to offer a view regarding alternative responses to such trends.

#### 1. The Federal Government and Post-World War II Education Policy

Prior to 1959, the federal government contributed but two cents out of every lower education revenue dollar. (Even this amount had been doubled by the funding of the 1958 National Defense Education Act.) Initial appropriations for the 1965 Elementary and Secondary Education Act again doubled this federal share, and by 1968 yet another redoubling to 8 percent had taken place. Throughout the 1970s, the federal government's funding contribution was to remain stable or to decline only slightly. However, absolute dollar appropriation levels continued upward until by fiscal year 1980 they reached approximately \$7 billion.

Both because of the rapid percentage growth and the awesome absolute dollar levels, the 1960s and the 1970s can be characterized as the "Federal Era" in U.S. education policy making. This period encompassed enactment of three major initiatives aimed at enhancing equality of educational opportunity, the Elementary and Secondary Education Act (ESEA) Titles I and VII (Compensatory and Bilingual Education), and the Education for All Handicapped Children Act (EHCA). In addition, this period saw the continuation of major funding for vocational education and federal in-lieu-of-tax subventions to local school districts. Both the magnitude of such funding and the number of major programs themselves represented a substantial departure from the federal government

role in U.S. education policy making prior to World War II.<sup>(1)</sup>

What provoked such a departure? What if any role was played by traditional educational policy actors such as school and school district officials and state agencies? These questions form the basis of this section.

#### Determinants of Federal Educational Policy 1960-1980

Conventional wisdom holds that public policy is a product of a representative governmental body recognizing and responding to an otherwise neglected area of social need. Further yet, according to this scenario, once the dimensions of policy are shaped in the legislative process, then the administration of the program is conducted in the politically sanitized setting of the executive branch where only technical matters of implementation are considered. The fairy tale is complicated further by the view that a politically independent judiciary stands ready to resolve remaining problems of policy interpretation.

The complexity of contemporary society renders such stereotypical views substantially inaccurate. The policy process can be initiated in the judicial branch as well as in the executive or legislative components of government. Implementation is far from simply a technical matter devoid of political considerations. For example, legislative officials may come to care as much or more about administration of a program as do executive officials.

Federal education initiatives enacted after World War II fit no

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(1) For an insightful history of the federal government and U.S. education policy, prior to enactment of the 1965 Elementary and Secondary Education Act, see Frank J. Mumger and Richard F. Fenno, Jr., National Politics and Federal Aid to Education. Syracuse: University Press, 1961.

easy analytic pattern, either conventional or unconventional. The origins and operation of many federal programs can be explained by the traditional political science view of interaction between components of the so-called "iron triangle" comprised of executive branch officials, legislative representatives, and interest group spokesmen. Important federal government programs such as vocational education, higher education acts, and in-lieu-of-tax subventions generally fit such a conventional pattern. However, they have their roots in conditions and legislation in existence prior to World War II.

Other major federal education programs were initiated and subsequently evolved as a consequence of a quite different set of organizational dynamics. This latter, unconventional pattern accounts for the federal programs which most characterize the 1960s and 1970s -- the major efforts at enhancing equal education opportunity, ESEA Titles I and VII and EHCA. Thus it is these latter policies on which this paper concentrates in order to illustrate the major policy formation and implementation patterns of the Federal Era, the 1960s and 1970s.

Policy Formation. Both the ESEA and EHCA were conventional in the sense that they were products of a broad social concern, the Civil Rights movement launched in the mid-1950s by the U.S. Supreme Court in its racial desegregation cases.<sup>(2)</sup> Through a variety of channels this judicial concern for greater equality eventually was translated into greater public consciousness on related dimensions such as voting abuses, living conditions in cities, the educational problems of students

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(2) Brown v. Board of Education 347 U.S. 483, 495 (1954) and Brown v. Board of Education 349 U.S. 294 (1955)

from low income and non-English speaking households, and handicapped students. In some instances this consensus was initiated or intensified by judicial opinions, such as was the case for bilingual education in Lau v. Nichols, and for the handicapped in PARC v. Pennsylvania, or Mills v. Washington, D.C. <sup>(3)</sup> In other instances, the cumulative impact of academic research helped to shape a favorable climate of opinion, as was the case for the human capital argument related to the "War on Poverty" programs of the Johnson administration. <sup>(4)</sup> Yet on other occasions, public opinion was intensified by popular writers, as in the instance of Michael Harrington's influential book The Other America: Poverty in the United States. <sup>(5)</sup>

The precise means by which ideas are diffused throughout a society is not altogether well known. Suffice it to say that beginning in the 1950s and continuing through the 1960s and 1970s, Americans generally were made keenly aware of the existence of a number of social injustices. Thus, there developed a climate of public opinion favorable to social reform efforts. Woodrow Wilson stated that a people could be elevated to an altruistic plane but once each generation. For the United States, the mid-1960s and 1970s were to be such a high point.

In addition to the existence of this highly sensitized public social consciousness, the launching of education's Federal Era was

(3) Lau v. Nichols 483 F.2d 791 (9th Cir., 1973); PARC v. Commonwealth 834 F. Supp. 1257 (ED Pa. 1971) 343 F. Supp. 279 (ED Pa. 1972); Mills v. Board of Education 348 F. Supp. 866 (DCC 1972)

(4) For a history of the Johnson administration "War on Poverty" and "Great Society" Programs see Aaron, Henry J. Politics and the Professors: The Great Society in Perspective (Washington, D.C.: The Brookings Institution, 1978)

(5) Baltimore: Penguin Books, 1962

characterized also by a long history of efforts to gain enactment of major federal programs. For a century prior to passage of the ESEA, major federal aid to public education had been proposed in bill after bill. Each foundered on the political shoals described by Bailey and Mosher as "Race, Religion, and the Reds".<sup>(6)</sup> Their shorthand captured the sense of Southern antagonism to federal aid if racial desegregation were a precondition for local districts utilizing the funds. A mixture of other groups opposed use of federal funds to aid non-public schools, and urged a widespread view that federal intervention spelled doom for local control of education for a Communist state would soon follow. For each of these views, there existed an opposing camp of equal vehemence. Massive federal education aid proposals never survived the squeeze. Nevertheless, not all was lost from the multitude of efforts. If it is accurate that ideas must be proposed several times before they can be accepted, then this history of failure served a purpose, a threshold of political tolerance had been established. In addition, it may be that such a threshold operates also to protect programs already in existence. At least, public acceptance may render reduction or elimination politically more difficult.

However typical the climate of public support for education achieved by the mid-1960s and the legislative tolerance gained over the prior century, there the similarity with conventionally conceived policy ends for the ESEA and EHCA. In each of these instances, policy initiation

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(6) Histories of the ESEA are provided in Bailey, Stephen K. and Mosher, Edith M. The ESEA: The Office of Education Administers an Act (Syracuse: Syracuse University Press, 1967). Meranto, Philip The Politics of Federal Aid to Education in 1965: A Study in Political Innovation. Syracuse: Syracuse University Press, 1967, and Guthrie, James W. The 1965 ESEA: The National Politics of Education Reform. Ph.D. dissertation, Stanford University, 1968.

did not occur through traditional avenues or agents. With neither did interest group spokesmen or representatives of schools, school districts, and state agencies play critical roles in the enactment phase. Rather it was staff members -- executive branch for ESEA and legislative branch for EHCA -- who were instrumental in the design of the bill's details and who brokered the political arrangements necessary for enactment.

The Elementary and Secondary Education Act. Identifying the roots of a public policy almost inevitably involves an infinite regress toward first causes. Those who have chronicled the origins of the ESEA have traced the evolution of the act's major ideas and the major actors. Suffice it to say here that the component ideas were in existence in advance of the assemblage of the act itself. <sup>(7)</sup> The ESEA was essentially an executive branch creation. Once receiving overall approval from the newly elected President, Lyndon Baines Johnson, White House and HEW staff fashioned a bill the components of which were artfully tailored so as to provide major interest groups and actors with strategic components important to them.

This ingenious packaging had much to do with the united front displayed by interest group spokesmen during congressional hearings held on the bill. However, the necessary compromises had been struck well in advance of the bill's submission to Congress. Also, initiators of these actions were not elected officials, interest group spokesmen, or con-

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(7) The task of stitching the several ESEA ideas together fell principally to a high level executive branch task force chaired by the then president of the Carnegie Corporation, John Gardner, who subsequently was to administer the Act as Johnson's Secretary of Health, Education and Welfare. Gardner relied heavily upon Francis Keppel to do the staff work. For more detail on the Gardner task, see Charles Philip Kearney "The 1964 Presidential Task Force and the Elementary and Secondary Education Act of 1965", unpublished Ph.D. dissertation, University of Chicago, 1967.

ventional agents in the policy process from school districts or state agencies. All of these were consulted to be sure, but they were a supporting cast for the main actors, executive branch staff members. One anecdote suffices to illustrate the overall pattern.

The enactment strategy was intended to ensure that both the House and Senate passed identical versions of the bill, thus eliminating the necessity for a joint conference committee to resolve differences. (Such conference committees had been an historic graveyard for many previously submitted major federal aid to education bills.) Thus, when in the course of Senate hearings, Robert Kennedy, then the junior Senator from New York, voiced embarrassing inquiries about the manner in which the effectiveness of the bill's many programs would be assessed, executive branch lobbyists rapidly made peace. They agreed on a federal evaluation policy to be included in the bill. Then they saw to the overnight insertion of an identically worded evaluation section in the House version of the bill. A much dreaded conference committee was thus avoided.

On the floor of Congress, the bill was referred to more than once as the Great Railroad Act of 1965. Such sarcasm reflected the rapid enactment pace that its sponsors had orchestrated. The speed with which the bill was passed rendered it more difficult for critics to impede its progress. However, the price for such haste was the loss of political support which often can be built by compromise and discussion during enactment. Perhaps as a consequence, from the time of enactment until the present, implementation of the ESEA has been troubled. Those forces which had been compromised or finessed during the design and passage of the bill, were much more reluctant to assent to the details of operation.

A few examples are in order.

During enactment, communication with local school district and state officials was hurried or non-existent. The speed with which the bill was designed and passed left little opportunity to inform those who would actually implement the programs of its details. What communication did occur was often erroneous. Consequently, large numbers of local officials took the ESEA, as the media frequently described it, as a form of general aid, funds from which could be used at the discretion of local officials to solve their day-to-day budget problems. This misunderstanding had eventually to be corrected through a complicated series of research studies and legislative amendments, the 1972 "comparability requirements". Had local and state school officials been more heavily involved in the design and enactment of the legislation, they might have been more pliant participants at the time of implementation.

The policy process does not end with enactment and implementation. As has been illustrated by the comparability regulations, there is a feedback loop wherein the effects of implementation can themselves influence an alteration of the initial policy. The ESEA was unique among federal education programs in that it was the first which sought to formalize such a feedback loop.

As previously described, former Senator Robert Kennedy provoked insertion of an evaluation section in ESEA. His hope was that the systematic assessment of education programs would enable both local and federal officials to revise their statutory and operational efforts. Kennedy's request was a surprise. In order to maintain momentum of the enactment strategy, quick action was needed in order to gain House acceptance of an identical evaluation provision.

Given the emphasis upon speed, there is little wonder that local and state officials had scant understanding of the evaluation requirements and, ever since, have exhibited even less enthusiasm for such provisions. Perhaps no other legislative action has led to a larger waste of federal education funds. Local districts and other agencies religiously comply with the letter of evaluation requirements. In fact, however, few evaluations have resulted in information which is itself valid, let alone of use to local, state, or federal officials. For this reason, when Congress desired information about the effectiveness of ESEA Title I prior to a massive re-authorization in 1980, instead of utilizing ten years of accumulated evaluation results, it had to commission an entirely separate \$5 million independent assessment to be conducted by the National Institute of Education. Local level educators had been bypassed in the enactment phase and they had been bullied in the implementation phase. Many had complied to the letter on the evaluation requirement. Still, somehow, they had won a part of the war.

Exclusion of local and state officials, except as consultants, had backfired in the late implementation phase. The strategy which was superbly successful in enactment of ESEA began to have dysfunctional consequences in the early 1970s. Rebellion of a sort built throughout the 1970s with administrators and school board organizations repeatedly decrying the burden of onerous federal regulations. By 1980, their complaints had received a more receptive audience in the form of Ronald Reagan's presidential campaign. The distinction is captured by the appointment process. Lyndon Baines Johnson had been able to ignore the views of local and state educational officials in the selection of his chief education spokesman, the U.S. Commissioner of Education. Francis

Keppel, appointed by LBJ, previously had been an assistant to Harvard President James Bryant Conant and the Dean of the Harvard Graduate School of Education. He had had no experience as a local or state educationist. He had a Master's degree in sculpture from the University of Rome, but no degrees in education. In contrast, President Reagan appointed as Secretary of Education a long-time local and state school official and chief state school officer, Terrell Bell. Bell took as his main agenda undoing federal regulations and restoring greater decision making discretion to local school districts and states.

Education for all Handicapped Children Act. In 1975, ten years after enactment of the ESEA, Congress passed yet another major piece of lower education legislation. The Education for all Handicapped Children Act (EHCA). This act also differed from the conventional political pattern in its enactment phase. It has been in operation only four school years, since 1976. Hence, it is somewhat soon to offer a view about its implementation. However, given the similarities between its enactment processes and those of the Elementary and Secondary Education Act, the best prediction is that before much longer, the EHCA will also experience an administration backlash as local and state education officials attempt to reshape the act into a form more consistent with their views.

EHCA did not have the benefit of a wide base of intense public consciousness such as was the political environment for ESEA passage. However, whatever deficit existed on this dimension was amply compensated by two other conditions, a growing set of court decisions mandating equal protection for handicapped children and widespread, even if not sharply honed, public sympathy. Many states, prior to the 1970s, provided only the most minimal services for school age handicapped children. Often

the more severe the student's disability, the less public service was made available. The groundswell of opinion provoked by Brown v. Board of Education and the subsequent Civil Rights Movement had tendrils which eventually took root and blossomed as court suits intended by plaintiffs to expand the range of educational services available to handicapped students. By 1973, over thirty right-to-education law suits were in progress or had recently been decided. Some of these were highly publicized and dramatic such as the previously referred to Pennsylvania Association of Retarded Citizens v. The Commonwealth of Pennsylvania. Most others were in lower courts and lower keyed.

Law suits were a useful wedge for handicapped student advocates who otherwise had suffered years of neglect at the hands of local and state school officials and legislative bodies. However, the judicial process was not completely satisfying. Ultimately, even if all court cases were favorable, the financial resources necessary for expanding school services would have to come from a legislative body.

Because of increasing publicity, fear that judicial opinions might result in distasteful mandates, or as a genuine belief that it was the right thing to do, both state and federal legislators increasingly paid attention to handicapped issues throughout the early 1970s. However, neither conventional interest groups such as teachers, administrators, or school board associations, nor local or state officials were particularly active in initiating legislative programs. Rather, as with the ESEA, there was a somewhat shapeless overreaching approval which served as an umbrella legitimating specific efforts of one senator and several key congressional staff members. A major distinction is that, unlike the ESEA which was initiated and engineered to enactment by executive

branch staff, in the instance of EHCA, crucial proponents were employees of the legislative branch.

In 1976, the Democratic party hoped to have a major new education initiative for campaign purposes. Senator Harrison Williams of New Jersey was the newly named chairman of the Senate Committee on Labor and Public Welfare. As with the Democratic Party generally, Williams particularly desired an important issue for his committee. Williams had become informed about special education as a participant in national meetings conducted by the Education Commission of the States. All of these events predisposed him toward a special education issue. One of Williams' staff members also had an interest in special education, and she joined with an influential staff member from the House Select Committee on Education to form an effective team. They began to formulate the fundamental principles of the Education for all Handicapped Children Act.

In the process, the team conferred frequently and sought ideas from interest groups. However, these were not the interest groups with which Congress typically dealt. Rather, it was organizations such as the Children's Defense Fund and the Council for Exceptional Children, not the American Association of School Administrators nor the National Education Association, with whom they met. Indeed, it was not simply that there was an alternative group of lobbyists who had an opportunity to shape the bill, but it was an entire alternative policy network. The regular congressional staff who had worked on special education issues for a decade, as well as important senators and congressmen, were themselves by-passed.

Not only was EHCA a maverick with regard to political processes and patterns, it was also substantially unique in terms of its substance. In

time, this uniqueness may also provoke the reshaping of its politics. It arose because education continues to be far more of an art than a science; an underlying pedagogical technology is elusive. Proponents of federal special education funding were well aware that effective, comprehensive treatment models for handicapped students could not easily be specified by statute. Consequently, the strategy they adopted was to include in the legislation a due process procedure which would offer the greatest chance that each handicapped child would receive appropriate instruction.

These EHCA mandated procedures were designed by drawing heavily upon the judgment of professional educators. Nevertheless, the procedures are premised upon a highly legalistic model from which it is easily possible to infer substantial mistrust. Local school and district educators are required at many decision points to confer with parents, and parents are then permitted many appeals to higher authority should they be dissatisfied with professionals' judgments of their children's education programs. Too, parents were given the right to have counsel during meetings with school officials. So it was that many of the statutory procedures anticipate an adversary relationship between local school authorities and students and parents. This is in substantial contrast to the traditional legal view in which in loco parentis prevails, whereby school authorities are presumed sufficiently competent and well intentioned to stand in the place of parents in seeking the child's welfare. However, proponents of EHCA were distrustful of school officials, and their feelings were manifested in the new procedures. This negative message was not initially, and still is not, lost on local authorities. However, public school administrators believed that somewhere they would have an opportunity in the implementation of the act to alter it.

The argument to this point can be summarized as follows. In the two major pieces of legislation during the Federal Education Era, enactment was more a consequence of alternative, policy-initiating networks than of conventional "iron triangles" of executive branch officials, congressional committees, and interest groups cooperating as equals. These alternative initiating agents were able to capitalize upon a favorable climate of public and political opinion in order to gain enactment of what theretofore had been unpopular legislative proposals. In the enactment process, conventional agents of educational policy initiative -- local and state education officials and education interest groups -- were simply neutralized and finessed.<sup>(8)</sup> However, as these major legislative acts moved further into the implementation phase, the greater became the opportunity for traditional policy networks to influence the reshaping of the programs. What emerged is something of a new "Iron law of entrenched interest retribution". Interest groups bypassed at one or another stage in the policy process simply await a subsequent opportunity to re-assert their influence. Cynical observers have long characterized this phenomenon with the quip, "Politicians do not get mad, they simply get even." The consequences of efforts to "get even" may have implications for future federal aid patterns, a point to which subsequent reference will be made.

The fact that major interest groups and conventional local and state education agents were not crucial or necessary for enactment of significant "Federal Era" education programs can be explained by the overwhelmingly

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(8) The actions of executive and legislative branch staff members can be explained by the theories of William A. Niskanen, Jr. in Bureaucracy and Representative Government (Chicago: Aldine Atherton Inc., 1971).

supportive climate of public opinion at the time. However, it may be that once enacted, these statutes have triggered or contributed to the formation of a new education interest group dynamic, major fragmentation and diversity. It may be the case that coalitions of interest groups, such as teachers, administrators, school board members, and state officials, which dominated state education politics in the pre- and immediate post-World War II era, were doomed to eventual destruction. Collective bargaining may have been their death knell. However, passage of numerous federal aid programs in the 1960s and 70s did little to impede this post-World War II atomization and may well have exacerbated such divisiveness.

Each new federal program seemed to spawn new associations and alignments of associations. In an effort to enlist greater lay participation in educational governance, federal education programs proliferated advisory committees at the national, state, and local levels as well as encouraging the employment of new classifications of administrators, teachers, and para-professionals. Consequently, each of the highly publicized federally sponsored education programs came, over time, to be something of a solar system within which the program itself served as a major body around which orbited a number of newly created satellites. These satellites, whatever their size or degree of professionalization, seldom recognized the gravitational pull exerted by conventional association bodies such as school board, administrator, or teacher associations. On the contrary, in that the latter frequently espoused federal aid which was more general than categorical, the former maintained their sovereignty all the more. The outcome was a weakened and less cohesive galaxy of interest groups than would otherwise probably have been the case.

## 11. The Beginning of Change and the End of the Federal Era

In one sense, the Federal Education Era was ending from its inception. This was not so much a consequence of public opinion as it was the dynamics involved in the enactment of both the ESEA and EHCA. Public support for federal education programs remained at least neutral and perhaps positive throughout the 1970s. The reluctance was on the part of conventional educational policy actors who had generally been excluded from the initial enactment process. As badly as the Federal Era categorical aid programs may have been needed by the nation as a whole, they were to enjoy primary support only from alternative or non-conventional educational interest groups such as the National Advisory Council for the Education of Disadvantaged Children, the National Welfare Rights Organization, and the Lawyers Committee for Civil Rights under the Law.

The National Education Association, The American Association of School Administrators, the National School Boards Association, The American Federation of Teachers, and a large assortment of smaller K-12 special interest groups were certainly not opposed to federal support. However, the categorical aid form was not particularly to their liking, and it certainly was not of their making. Their allegiance to it was low from the time of its passage. Teachers, school administrators, and state education department officials began to propose changes in the two major federal categorical aid programs from the outset. Moreover, such groups were always ripe for proposals to alter the form of federal aid, particularly if the new form provided them with greater discretion over the expenditure of such federal funds.

It should not be construed from the fact that ESEA was passed without major assistance from conventional political actors that they had

exhausted their political capital. On the contrary, events during the Nixon administration demonstrated that, under specified conditions, school district and state officials had substantial influence. The issue was evident in education appropriations.

During the latter half of Richard Nixon's initial term in office, the economy was plagued by persistent inflation. The President's economic advisors repeatedly counseled reduction in federal outlays in order to dampen spending and thereafter to slow consumer demand. For a short time, the President even imposed wage and price ceilings, certainly a drastic action by a Republican Chief Executive committed to a free market economy. Because such a large proportion of the federal budget is comprised of relatively uncontrollable outlays, e.g., veterans pensions, social security benefits, and debt service, the President's budget officers attempted to reduce federal expenditures in controllable areas, one of which was education. Consequently, for fiscal years 1969-1971 the President submitted budgets to Congress which called for substantially reduced education appropriations.

The traditional education appropriations pattern was for the President's budget to reflect an actual dollar increase over the preceding year's expenditures. The House Appropriations Committee would grant an increase, but not quite as much as the President requested. The full House would then accept its Committee's report, and the Senate Appropriations Committee would thereafter provide for a little less than the President's budget but more than the House had granted.

But the Nixon proposals to reduce education spending posed a substantial threat to this process and education interest groups. So they devised a combative strategy, forming what was known initially as the

Emergency Committee for Full Funding. This umbrella operation consisted of approximately twenty-five special interest groups encompassing both conventional actors (teachers, administrators, and state officials), and the earlier noted alternative policy network concerned with issues such as handicapped students). That is, the Committee was comprised of groups which on other occasions had actively opposed each other's interests. While they were a potentially competitive group of allies, they were also hardened into a resolute and influential lobbying organization by virtue of a relatively simple decision rule. If an authorizing statute existed, then the members of this federation pledged their efforts to seek its full funding. This commitment did not extend necessarily to proposed new education programs, only to those already enacted.

The Committee was successful beyond what otherwise would have been predicted. Under skilled leadership of its lobbyist, Charles Lee, the Committee brought pressure to bear so that the House and Senate Appropriations Committees allocated more to education programs than Nixon proposed. But more surprisingly yet, Appropriation Committee recommendations were themselves repeatedly overturned on the House and Senate floor in favor of even more money for education. For years, appropriation committees had been one of Congress' most sacrosanct components. Only on the rarest of circumstances would an appropriations committee report be overturned. But the Committee contributed to such reversals in 1969.<sup>(9)</sup>

The resignation of Nixon and an upturn in the Nation's economic indicators dampened the threat and the Emergency Committee faded.

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(9) Gary Orfield, Congressional Power (New York: Harcourt, Brace, Jovanovich, 1975)

However, aside from its own drama, the Committee episode illustrates an important point in the argument being constructed here. Whereas the ESEA and EHCA were the products primarily of an alternative set of policy actors, the conventional networks of educators, school district and state officials had by no means faded from the political scene. The Committee demonstrated fully their ability to influence federal government policy. They awaited only more favorable circumstances and more direct manifest threats to their interest in maintaining the structure of federal programs. But this coalition could maintain its momentum only to protect what already had been enacted. It could not initiate. Moreover, it is doubtful that it could have been effective at all in the face of both a hostile executive and legislative branch.

#### A Changing Climate of Opinion

Whereas conventional policy actors were waiting for an opportunity to take a more active role in shaping federal education policy, a conducive climate of public opinion was not available. Throughout the 1970s, public opinion continued to be neutral toward or non-supportive of an expanded federal role, or at least displayed little enthusiasm for a greatly altered federal role. To be sure, there were still highly visible education policy endeavors. For example, in his 1976 Presidential campaign, Carter committed himself to the establishment of a federal Department of Education. Aside from the substantive arguments for and against this, the gesture was primarily symbolic. The fact of an Education Department did not by itself do much for the day-to-day lot of pupils, teachers, and school administrators. But it did acknowledge the fact that Carter had a strong political obligation to the National Education Association.

Probably more important than establishment of the Education Department was the fact that Congress came remarkably close to enacting a tuition tax-credit plan in 1979. Such a bill actually passed in the House and failed in the Senate only after Carter made clear his intention to veto the bill. Such a bill, should it have been enacted, would have meant the largest assistance the federal government had provided non-public schools since the U.S. Supreme Court's 1926 decision in Pierce v. Society of Sisters.

#### The Reagan Administration

By the 1980 Presidential campaign, public opinion was clearly evolving away from the former position of firm support of greater federal involvement in social policy. As a candidate, Ronald Reagan was at once fostering and taking advantage of the shift. Campaign rhetoric regarding the evils of government intervention and the necessity of deregulation was directed at a broad array of federally sponsored efforts, but education was certainly among them. Reagan had reacted negatively to the formation of the Department of Education, stating that he thought it ought to be abolished. He stood strongly for "deregulating" education, and, more radical yet, favored tuition tax credits. The depth and consistency of public feeling about these issues was arguable, but there was no misreading the breadth. Reagan won the Presidency with a landslide of electoral votes. He captured a larger share of the popular vote than had Carter four years before. Equally of note, the Republicans captured the U.S. Senate, the first time they had dominated that body since 1954.

A June 1981 poll conducted for Time magazine confirmed the extent

to which public opinion had shifted since the easy acceptance of LBJ's "War on Poverty" and accompanying social programs. In mid-1981, 62 percent of those queried responded positively to the statement: "Government should stop regulating business and protecting the consumer" and 70 percent concurred that "Government has become far too involved in areas of people's lives."<sup>(10)</sup> In a Gallup Poll conducted a week later, 58 percent of a national sample responded in favor of the Reagan Administration's proposed cuts in federal spending, education included.<sup>(11)</sup>

Both electoral results and public opinion have shown themselves on other occasions to be fluid and shallow. The only stable component of such measures is that they will certainly change again at some subsequent point in time. However, for the moment, the best prediction one can offer is that the favorable climate of opinion which once so easily supported the Federal Education Era has now shifted substantially. This conclusion, when taken in tandem with the fragmentation of education interest groups or at least the readiness of conventional interest groups and education actors to alter federal educational policy suggests strongly that a different era is emerging. We turn now to a consideration of what the components of a federal education program might be in a time of change.

### III. Possible Federal Education Futures

The argument to this point has had two major components. First, the "Federal Education Era" of the 1960s and 70s was an anomaly. There was broad public support for social action programs, but not necessarily for

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(10) Time, June 1, 1981, page 12

(11) San Francisco Chronicle, June 8, 1981, page 8

education programs of the specificity that eventually were designed by executive and legislative staff members. The major federal programs for the 1960s and 70s, however needed and effective, have never been adopted or defended strongly by conventional interest groups. Indeed, it can be argued that the "Federal Era" categorical programs have proliferated narrow based associations at the cost of fragmenting conventional education associations further.

The second major contention here is that, aside from whatever interest groups did or did not do in the "Federal Era", the broad climate of popular acceptance that then existed for public programs is now becoming substantially more dilute. Consequently, neither executive nor legislative branch officials, should they be predisposed, could so easily today fashion a major federal aid to education package in the absence of support from a broad span of education agents from local and state levels. In short, what happened in the past few decades is not likely a good predictor of the next two. Several important conditions have changed and are likely to continue to change.

Demography. The decade-long slide in enrollments will reverse itself during the mid-1980s. However, it is not likely in this century to return to its 1971 peak of 51 million K-12 students. In that physical facilities presently exist to accommodate the forthcoming minor expansion<sup>(12)</sup> and in that pupil-teacher ratios have become much more favorable over the last decade, it is difficult to imagine substantial public concern over enrollment increases.

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(12) At least in most cities and suburbs, school plant capacity should be adequate to contain 1980s enrollment increases. Rural areas are less clear in this regard.

Aside from enrollments, the shifts in population composition argue against education becoming an intense electoral issue for the next 10-20 years. The overall population is aging, a smaller proportion of registered voters has school-age children, and a greater proportion of public school children is from households which have a history of lower voter turn-out.

Economics. It would appear foolhardy to specify either economic growth or decline over the next one or two decades. However, it is reasonable to assert that major new federal initiatives probably cannot be supported fiscally except under two conditions: (1) the economy advances sufficiently to provide a fiscal dividend for social programs or (2) existing education programs are curtailed so that new ones can take up whatever revenue slack results. The major point is that, given the dimensions of altered public opinion, shifting demographics and fragmented interest groups to which we have already referred, there is little likelihood of education programs coming into added federal resources at the expense of federal initiatives in other areas. If there is intense competition for relatively fixed federal revenues, education will do well to protect its base. New education programs under such conditions seem highly unlikely.

Given these postulated four conditions: (1) an altered climate of public acceptance for major social programs, (2) a fragmented educational interest group community, (3) unfavorable demography, and (4) an uncertain economy, what is the future likely to be for federal education aid? Three possible futures appear reasonable under these conditions. One assumes that the present climate of negative public opinion is maintained for a sufficient period to influence federal aid to education. The second scenario assumes that either public opinion, electoral

politics, or both become more favorably disposed for federal aid to education. The third prediction of the future encompasses the unpredictable, the possibility that either domestic, international, or galactic events will result in a crisis of sufficient proportion to provoke a federal response similar to the National Aid to Education Act passed by Congress following the Soviet launching of Sputnik.

#### The Negative Scenario

Should the present climate of public opinion regarding social programs generally and in education specifically continue, one or a combination of two outcomes appear possible. The first of these futures involves continued efforts at deregulation and categorical aid program consolidation. The second dimension is an effort to gain congressional enactment of a tuition tax-credit plan.

In the course of his electoral campaign, President Reagan voiced support of a tuition tax-credit plan similar to the Moynihan-Packwood proposal which had nearly passed Congress in 1979. However, Reagan and his staff have recently displayed reluctance regarding the idea. The hesitation may not reflect ambivalence or distaste for the idea so much as a question of priorities. The President also campaigned diligently for a substantial cut in the personal and corporate income tax, a reduction in federal spending, an increase in defense preparedness, and a dampening of inflation. Not all of these objectives are compatible. Reducing taxes jeopardizes a balanced budget, similarly with added defense spending. However, a major component of the anti-inflation strategy is a reduction in federal deficit spending. The outcome of this whirlpool of competing objectives is a lower priority for tuition

tax credits because such a plan is estimated to reduce federal revenues by anywhere from \$3 to \$5 billion. Regardless of Presidential commitment to the tuition tax-credit idea, a substantial number of senators, perhaps sensing public support for non-public schools or a diffuse dissatisfaction with public schooling, have submitted such a bill and appear to be committed to its passage.

Conventional and newly organized education interest groups and school related officials will assuredly oppose the tuition tax-credit plan on grounds that it jeopardizes public schooling, assurances from the Reagan Administration Education Secretary notwithstanding. Whether or not such opponents can prevail against a Senate which now appears more predisposed than its 1979 predecessor and in a House of Representatives which, albeit by an exceedingly narrow margin, passed such a bill in the same year remains to be seen. The resolution of the issue probably rides on the extent to which opponents are willing to inflame anti-church feelings generally and anti-Catholic feeling particularly. If tuition tax credits are made into a religious issue, passage is in greater doubt. Constitutionality is yet another test, but one which will subsequently take place in an arena less dominated by political forces.

The other possible policy direction for the federal government in the 1980s is the continued consolidation of Federal Era categorical programs into so-called "Block Grants". This also has been an active Reagan Administration proposal, one pursued to date with more vigor than the tuition tax-credit idea.

The President's initially proposed legislation would have consolidated approximately thirty existing statutory authorities into two major

block grants, one intended for states and the other for local school districts. Title I would have channeled federal aid to states for children with special needs, using student poverty and school-age population as criteria. States would have kept 13 percent of the money for state-operated schools and administration, passing the rest on to school districts. Under Title II of the measure, states would have received aid targeted to improve school instruction and management. Amounts would have been determined according to school-age population.

The final outcome of such proposals was substantially more modest than the administration had initially sought. Thirty-three programs with expenditures slightly in excess of \$.5 billion were combined. Major "Federal Era" education programs were not included. Certainly many of the conventional interest groups desired a larger or more encompassing consolidation. Many chief state school officers expressed their disappointment at the failure to include the ESEA and EHCA. Similarly, the National School Board Association, while satisfied with the general direction, expressed the hope that future block grant efforts would proceed further.

The fact that several large federal education programs were excluded from consolidation may testify to the influence of newly formed categorical aid interest groups and their lobbying ability. Such is not likely the case, however. A more probable explanation is simply timing. Consolidation proposals were brought before Congress coincidentally with the Reagan Administration's federal budget reduction and income tax cut proposals. It may well have been a matter of priority with consolidation taking a back seat to others of the President's more intense concerns. In fact, at a subsequent address before the National Conference of State

Legislators, the President suggested strongly that in subsequent years he would return to ask a greater consolidation of education programs from Congress. Thus, if public opinion and the economy continue to be neutral or unfavorably disposed toward federal aid to education, and interest groups continue to be fragmented, the larger likelihood is that more consolidation will occur, federal regulations will be reduced, funding will be held stable or, at best, approximate only increases consistent with inflation.

#### The Positive Scenario

In the event the economy blossoms and the Democratic Party recaptures the Presidency either in 1984 or 1988, it is conceivable that new federal education program initiatives could be mounted. Candidates for such new programs would be bills to assist states in equalizing their school finance arrangements, to protect city school districts from what to many of them appear to be ever more intense threats of bankruptcy, or to assist the nation generally in creating a larger supply of more ably trained teachers. In that such proposals, given the assumptions of a flourishing economy, need not take federal funding away from existing programs and because proponents for school finance equalization, aid to cities, and teacher training subsidy, would probably be attracted to education interest groups generally, such programs might have a good chance of passage. Such assumes also that proponents of existing programs such as the ESEA and EHCA were satisfied that new initiatives did not jeopardize their existing program funding and thus drive a deeper wedge between conventional and categorical aid interest groups.

As attractive as such a future might appear for federal education aid proponents, it seems unlikely to occur. The assumptions are too

great. If the economy improves, then a Democratic recapturing of the White House is less likely. If the economy continues to wobble or slide toward lower productivity and higher inflation, then, even if the Democratic Party did ascend, the fiscal dividend needed for new programs would not likely be present.

#### The Unpredictable

American technology and American intelligence were caught off balance by the 1957 launching of the Soviet spacecraft, Sputnik. The resultant public distress might have been predicted, but the eventual faulting of America's school system for the failure of the U.S. space program was difficult to accept logically. The decision not to mount a major space effort had been made by President Eisenhower several years previously. American educators had little to do with such a decision. Nevertheless, the foment served to catalyze Congress into the 1958 enactment of the National Defense Education Act which provided federal matching funds for the improvement of mathematics, science, and foreign language instruction at the K-12 level.

An unpredicted set of events could occur again and trigger a dramatic or highly visible new federal aid to education program. Such an event need have little connection with existing patterns of public opinion, the state of the economy, or the political party in power at the time. The eventual shape of such an unpredicted program might depend in part upon interest group interactions, but even this should not be taken for granted. Mounting "cold war" tensions and recent reports on the Soviet education system's alleged superiority in areas such as mathematics instruction suggest that another "national defense" catch-up is possible in education.

If so, then science, mathematics, foreign language could get yet another boost from federal funding. However, not only are the causes for such events unpredictable, so is the content or focus of the bill which would result.

#### IV. Responding to Future Trends

Assuming that the foregoing three possibilities reasonably encompass future federal aid to education scenarios for the forthcoming one or two decades, what is it that interested parties can undertake either to shape new programs or reshape existing ones as a response to such trends?

What is labeled above as "unpredictable" is almost by definition beyond the ability to profit from planning. Moreover, the so-called "positive" scenario presented above is premised upon both a flourishing economy and a Democratic Party resurgence. These premises are highly unlikely. Nevertheless, the ideas that could come to the surface, e.g., aid to cities, state finance school equalization, and teacher training assistance, all have a history in past programs and proposals which could be resurrected and polished in anticipation of another consideration. Should this positive scenario develop, it probably would also result in added funding for existing federal programs. However, responding to the simple call for more money requires little creativity or advance planning.

Thus it is that the most likely future scenario, the one which assumes altered public support for federal education programs, continued fragmentation among educational interest groups, an uneven economy, and unfavorable demographics, is the one which could profit from planning.

### What is "Good" about the Old

Existing major federal education categorical aids, regardless of the political processes to which they owe their enactment, were intended to provide services to students which otherwise were being neglected by local school districts and states. The manner in which they were implemented or the means by which compliance subsequently has been sought, at least arguably, could well have been improved upon. However, the purposes appeared noble at their inception and they continue to appear necessary today. Moreover, at least in light of past actions on the part of local and state agencies, it would appear that voluntary compliance with program objectives cannot be assumed. Critics claim that the categorical aid programs are administered with a heavy federal hand which impedes instructional cohesion within classrooms and schools, is wasteful of personnel and other resources, and usurps the decision making discretion of local and state education officials. Therein resides the tension between defenders of the status quo and proponents of reforms such as tuition tax credits and block grants. What can be done which would preserve the purposes of existing programs while simultaneously easing the restrictions perceived by critics?

Tuition Tax Credits. Tuition tax-credit plans operate much like an unfettered voucher system. Such plans effectively render households the basic decision-making units for education purposes. Up to some predetermined dollar level, household payments for non-public, annual school tuition could be deducted from what one otherwise would pay yearly in federal personal income taxes. In effect, the federal government would subsidize households for paying tuition. Such a plan provokes grave questions of constitutionality. That aside, critics contend that it

badly threatens social cohesion in a nation already fragmented and increasingly devoid of consensus on important social values.

What, if anything, can be done to ameliorate some of the potentially socially debilitating features of a tuition tax-credit plan? Probably not much. The statutory provisions necessary to preserve social cohesion may be the very ones least attractive to tuition tax-credit proponents, e.g., guarantees of open admission systems and due process in the dismissal of students. Nevertheless, there is one component which ought seriously to be considered. If a non-public school is legally so constituted that it qualifies legally to have its tuition taken as a tax credit, then it also should be compelled to accept any student who applies. If the school is in danger of being over-subscribed, then admission should be by lottery so as to guarantee all applicants equal access. Without this or a similarly structured provision, tuition tax credits will run the substantial prospect of public subsidies for private ideologies.

Block Grants. Block grants offer a substantially greater opportunity to preserve the purposes of existing categorical aid programs than is likely with tuition tax credits. Even if the massive consolidation initially sought by the Reagan Administration proposals had been accepted, it is possible to conceive of legislative or regulatory provisions which offer the prospect of retaining crucial categorical purposes. For example, even though the Administration proposals have discouraged them, the Parent Advisory Councils which now accompany many categorical grants offer a means for preserving client influence upon local decision makers to continue to serve previously neglected sets of children. Some consolidation of parent or site councils is in order, for it is now widely alleged that many school principals spend almost as much time in council

meetings as they do operating their schools. Nevertheless, the general idea is worthy of continuance.

Also, program reporting requirements can be used as an effective lever for retaining integrity of categorical program purposes. If local authorities could be required to submit a reasonable plan regarding the purposes for which they intend to spend the funds and the manner in which they intend to serve pupil populations originally covered by categorical grants, then random audits could reveal the extent to which plans are being fulfilled. Gross violators, should there be any, would be compelled for several years to spend their federal block grant funds in accord with a plan drawn up for them by state officials. Then, after a probationary period, local officials could continue to exercise discretion over expenditures.

Matching Grants. Though not widely discussed as a reform alternative, the concept of matching grants might well suffice to meet many of the complaints of categorical critics. Matching-grant provisions have long been used by agencies of state and federal government to induce greater lower government expenditure in keeping with higher government priorities. However, such arrangements retain important elements of decision making discretion for local officials. The latter can decide to accept or reject the program, and, if accepting, they can decide on the dollar degree of participation. A matching-grant arrangement in lower education would be offered for services to pupil population segments (e.g., handicapped or non-English speaking), for which federal matching grants were available. Local districts could then choose to submit programs to states for funding. If such federal matching grants covered approximately 75 or 80 percent of program costs, this would act as a

strong inducement to local officials.

Deregulation. Existing proposals for tuition tax credits and block grants appear to be stronger medicine than the deregulation rhetoric which characterized the Reagan campaign. "Deregulation" implies that there exists an endeavor which once performed well and now is encumbered by unnecessary governmental intrusion. In the instance of the categorical aid programs under discussion, they did not exist, or at least seldom existed, at the local school and district level prior to enactment of federal legislation. Thus, a more accurate sense of deregulation for them would be a streamlining of administrative regulations along lines suggested by Henry M. Levin.<sup>(13)</sup> Levin proposes consolidation of program grant applications such that local school districts need not make multiple proposals annually to the federal government, consolidation of reporting requirements, and collapsing of several kinds of advisory councils into but one or a few.

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(13) Henry M. Levin, "Categorical Grants in Educational Rethinking the Federal Role", Spring 1981 issue of Policy Perspectives, a publication at the Institute for Research on Educational Finance and Governance at Stanford University

## Conclusion

The federal government has never played a major role in the support of American schooling. Such has been far more the primary burden of local and state governments. Where it has occurred at all, the historic role of the federal government in providing financial support for elementary and secondary education has had two dimensions. One long-standing effort has been to provide funding for vocational education and other programs intended to enhance the productivity of the nation's workforce. A second long-standing effort has been to facilitate equal educational opportunity. From time to time other purposes emerge and may generate substantial political and public notice, but they have eventually faded.

Proponents of the expanded federal role might well wish that the current period of fiscal retrenchment would be but an aberration in what they hope will be a long-term trend of increased federal support. Though possible, such a prognosis is probably inaccurate. It may prove more valid to view the 1965-1975 Federal Era as an aberration. Forces accounting for enactment and support of the ESEA and EHCA were anomalous and will not likely be repeated. Consequently, a more reliable future for federal aid to education will be the continuation of what now exists, though the form and level of funding may be altered. If such is to be the case, the task of supporting and improving public schools will continue to fall to local districts and state governments.